

nesium sulphate, and 31 grains, or 2 grams, of magnesium sulphate; that 20 cubic centimeters of the article contained not more than 1.59 grams of magnesium sulphate, equivalent to 24.5 grains of magnesium sulphate; that 20 cubic centimeters of the said article contained not more than 7.94 percent of magnesium sulphate; that the strength and purity of the article fell below the professed standard and quality under which it was sold.

On April 13, 1936, a plea of guilty having been entered, a fine of \$250 was imposed, but execution of the sentence to the extent of \$200 was suspended for 3 years, conditioned that defendant comply with all food and drug laws.

W. R. GREGG, *Acting Secretary of Agriculture.*

25824. Adulteration and misbranding of tincture of aconite tablets. U. S. v. The Upjohn Co., a corporation. Plea of nolo contendere. Fine, \$200. (F. & D. no. 35946. Sample no. 32141-B.)

The label of this article misrepresented its potency.

On October 16, 1935, the United States attorney for the Western District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Upjohn Co., a corporation, Kalamazoo, Mich., alleging shipment in violation of the Food and Drugs Act as amended, on or about April 3, 1935, from Kalamazoo, Mich., to Chicago, Ill., of a number of bottles of aconite tincture tablets which were adulterated and misbranded. The article was labeled in part: (Bottle) "100 Tablets Aconite Tincture Each tablet represents 3½ minims Poison The Upjohn Company Kalamazoo, Mich."

Adulteration of the tablets was charged in that each of them was represented to possess a potency equivalent to 3½ minims of tincture of aconite; that each possessed a potency of not more than 1.45 minims of tincture of aconite; that the strength and purity of the tablets fell below the professed standard and quality under which they were sold.

Misbranding of the article was charged in that the labels on the bottle containing the tablets bore the statements, to wit, "Tablets Aconite Tincture" and "Each tablet represents 3½ minims"; that the said statements represented that each of said tablets possessed a potency equivalent to 3½ minims of tincture of aconite; that each of said tablets possessed a lesser degree of such potency; and that the aforesaid statements were false and misleading.

On December 2, 1935, a plea of nolo contendere having been entered, a fine of \$200 was imposed.

W. R. GREGG, *Acting Secretary of Agriculture.*

25825. Misbranding of Voxol. U. S. v. John H. Vernet, trading as Voxol Laboratories. Plea of guilty. Fine, \$50 and costs. (F. & D. no. 35947. Sample no. 261-B.)

False and fraudulent therapeutic and curative claims were made for this article.

On October 2, 1935, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against John H. Vernet, trading as Voxol Laboratories, Oak Park, Ill., alleging shipment by him in violation of the Food and Drugs Act as amended on or about September 20, 1934, from Oak Park, Ill., to Denver, Colo., of a bottle of Voxol which was misbranded. The article was labeled in part: (Bottle) "Voxol Inhalant * * * Voxol Laboratories Oak Park Illinois."

Analysis showed that the article consisted essentially of a fixed oil containing volatile oils, including oil of eucalyptus and menthol.

Misbranding of the article was charged in that the label attached to the bottle bore the statements, to wit, "For immediate relief of Sinus, Asthma, Catarrh, Influenza, Hayfever, Colds, Pneumonia, Bronchitis, Croup, Diphtheria, Earache, Sore Throat, and all respiratory ailments when used with the Voxolator; and For all head disorders, inhale and exhale thru the nose, 10 to 15 minutes. For all Chest and Throat Disorders inhale and exhale thru the nose for 5 minutes and then thru the mouth for 10 minutes. For all severe cases use 2 caps full of Voxol Inhalant"; that the said statements were representations regarding the curative or therapeutic effects of the article; that the said statements falsely and fraudulently represented that the article was effective, among other things, for the immediate relief of sinus, asthma, catarrh, influenza, hay fever, pneumonia, bronchitis, croup, diphtheria, earache, sore throat, and all respiratory ailments when used with the Voxolator; effective as a treatment, remedy, and cure for all head disorders when inhaled and exhaled